

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MORRIS WITHERSPOON,

Petitioner,

V.

DR. KILARU, ET. AL.,

Respondent.

Civil No. 2:14-cv-12758
Honorable Victoria A. Roberts
United States District Judge

**OPINION AND ORDER GRANTING PETITIONER'S MOTION FOR
RECONSIDERATION**

On October 7, 2014, the Court dismissed this civil rights action because Plaintiff failed to comply with the Court's deficiency order requiring him to provide enough copies of his complaint to allow service on all the listed Defendants. Plaintiff now asserts that he attempted to comply with the order, but the additional copies were lost in the mail. He asks for reissuance of the deficiency order. For the reasons that follow, the motion for reconsideration is **GRANTED**.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Ward v. Wolfenbarger*, 340 F. Supp. 2d 773, 774 (E.D. Mich. 2004); *Hence v. Smith*, 49 F. Supp. 2d 547, 550-51 (E.D. Mich. 1999). A motion for reconsideration which merely presents "the same issues ruled upon by the Court, either expressly or by reasonable implication," shall be denied. *Ward*, 340 F. Supp. 2d at 774.

Petitioner's motion for reconsideration will be granted because the Court accepts his

assertion that he attempted to comply with the Court's deficiency order, but for reasons beyond his control his filing was lost. Based upon the foregoing, **IT IS ORDERED** that the motion for reconsideration [Dkt. No. 9] is **GRANTED**. The Court will reissue its deficiency order requiring Plaintiff to provide seven additional copies of his claim within thirty days of the issuance of the new deficiency order.

/s/ Gershwin A. Drain

Honorable Gershwin A. Drain, in the absence of
the Honorable Victoria A. Roberts
United States District Court

Dated: 1/5/15

The undersigned certifies that a copy of this document was served on the attorneys of record and Morris Witherspoon by electronic means or U.S. Mail on January 5, 2015.

s/Linda Vertriest
Deputy Clerk